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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,475	10/15/1999	BARRY MARKWITZ	6002-11	1318

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EXAMINER	
TSAI, CAROL S W	
ART UNIT	PAPER NUMBER

2857

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/419,475	MARKWITZ ET AL.
	Examiner	Art Unit
	Carol S Tsai	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 March 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 and 17-35 is/are pending in the application.

4a) Of the above claim(s) 30-34 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14, 17-29 and 35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-14 and 17-35 are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 October 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

1. The disclosure is objected to because of the following informalities:

At page 20, line 18, “downloaded 66” should read - - downloaded 166 - -.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Reference No. “36” in Fig. 1.

Reference No. “50” in Fig. 2.

Reference No. “70” in Fig. 3.

Reference No. “78” in Fig. 3.

Reference No. “82” in Fig. 3.

Reference No. “84” in Fig. 3.

Reference No. “86” in Fig. 3.

Reference No. “96” in Fig. 4.

Reference No. “98” in Fig. 4.

Reference No. “100” in Fig. 4.

Reference No. “408” in Fig. 5.

Reference No. “410” in Fig. 5.

Reference No. "412" in Fig. 5.

Reference No. "414" in Fig. 5.

Reference No. "416" in Fig. 5.

Reference No. "160" in Fig. 8.

Reference No. "182" in Fig. 9.

Reference No. "204" in Fig. 9.

Reference No. "206" in Fig. 9.

Reference No. "194" in Fig. 9.

Reference No. "200" in Fig. 9.

Reference No. "208" in Fig. 10.

Reference No. "234" in Fig. 10.

Reference No. "282" in Fig. 13.

Reference No. "284" in Fig. 13.

Reference No. "286" in Fig. 13.

Reference No. "288" in Fig. 13.

Reference No. "304" in Fig. 14.

Reference No. "306" in Fig. 14.

Reference No. "328" in Fig. 15.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Election/Restrictions***

3. Applicant's election with traverse of Group II in Paper No. 7 is acknowledged. The traversal is that Group I and II should examine together. This is found persuasive.

4. Claims 30-34 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-14, 17-29, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,078,255 to Dividock et al.

Dividock et al. disclose a computerized method of monitoring and evaluating guard patrols of one or more sites, comprising the steps of: defining at least one checkpoint to identify

at least one location to be patrolled; defining at least one patrol detail record on a computer readable medium (central computer 25 shown on Fig. 8) to structure information related to at least one location to be patrolled; and detecting the information obtained from the guard patrol (see col. 6, lines 4-33); reading the information upon detection and storing the information within at least one patrol detail record (see col. 6, lines 34-43); and using the information to monitor the progress and evaluate the thoroughness of guard patrols (see col. 6, line 43 to col. 7, line 67).

As to claim 4, Dividock et al. also disclose a downloader sense (downloading cradle 20 shown on Fig. 2) that a reader has been inserted within the downloader, the downloader signaling a general purpose computer that the downloader is ready to transfer information from a reader (see col. 6, lines 44-63).

As to claim 5, Dividock et al. also disclose receiving reader information from the downloader via a communication means (modem 36 and telephone lines 35 shown on Fig. 2) and saving the reader information onto a computer readable medium organized by at least one predefined patrol record (see col. 4, lines 54-61; col. 6, line 50 to col. 7, line 6; and col. 8, line 44 to col. 9, line 8).

As to claim 6, Dividock et al. also disclose the reader information formatted into the predefined patrol records being displayed in a form used to efficiently monitor and evaluate guard patrols (see col. 8, lines 1-40).

As to claim 7, Dividock et al. also disclose a data processing system for monitoring and evaluating guard patrols of one or more sites comprising: a central computer device (central computer 25 shown on Fig. 8); a device (a portable data collector 15 shown on Fig. 1) for gathering information obtained from one or more checkpoints during a guard patrol of one or

more sites; and a system for downloading the gathered information into the central computing device (downloading cradle 20 shown on Fig. 2).

As to claim 8, Dividock et al. also disclose gathering information automatically reads information from checkpoints (see col. 6, lines 4-43).

As to claim 9, Dividock et al. also disclose device of touch memory buttons (see Figs 4 and 5; col. 6, lines 4-43; and col. 7, lines 7-52).

As to claims 10 and 35, Dividock et al. also disclose detection system (receptacle 38 shown on Fig. 2) for detecting when gathered information is ready for downloading into the central computing device (see col. 6, line 44 to col. 7, line 5).

As to claim 11, Dividock et al. disclose a downloader coupled to the central computing device by a communication system selected from the group consisting of electrical cables, telephone lines, cellular transmission, and the Internet (see col. 6, line 50 to col. 7, line 6).

As to claims 2, 3, 12-14, Dividock et al. also disclose the checkpoints being comprised of touch memory buttons assigned to information about items selected from the group of officers, incidents, commands, and locations (see Figs. 4-6 and col. 7, lines 7-67).

As to claims 17, 18, 27, and 29, Dividock et al. also disclose a computer program product for use with a data processing system for monitoring and evaluating guard patrols of one or more sites, the computer program product comprising: a computer usable medium (central computer 25 shown on Fig. 8) having computer readable program code means embodied in the medium (a portable data collector 15 shown on Fig. 1) for gathering information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 6, lines 4-43); the computer usable medium having computer readable program code means embodied in the medium

(receptacle 38 shown on Fig. 2) for detecting when the gathered information is ready to be downloaded into the data processing system (see col. 6, line 44 to col. 7, line 6); and the computer usable medium having computer readable program code means embodied in the medium (downloading cradle 20 shown on Fig. 2) for downloading the gathered information into the data processing system (see col. 6, line 44 to col. 7, line 6).

As to claim 19, Dividock et al. also disclose information selected from the group consisting of officer checkpoints, incident checkpoints, location checkpoints, clients, facilities, groups and locations (see Figs. 4-6 and col. 7, lines 7-67).

As to claim 20, Dividock et al. also disclose displaying at least one patrol detail record on a display in a hierarchical organization comprised of one or more nodes simplifying review of at least one patrol detail record (see Figs 4-6).

As to claim 21, Dividock et al. also disclose computer program product being comprised of computer readable program code means that are modular thereby allowing the computer readable program code means to be individually replaced without modification to other existing computer readable program code means that make up the computer program product (see col. 6, line 63 to col. 7, line 6).

As to claims 22 and 28, Dividock et al. also disclose printing one or more reports to a printer of the information obtained from one or more checkpoints during a guard patrol (see col. 8, lines 1-40).

As to claims 23-25, Dividock et al. also disclose the reports being comprised of predetermined default information relating to the guard patrol (see col. 4, lines 54-61 and col. 8, line 44 to col. 9, line 8).

As to claim 26, Dividock et al. do not disclose expressly reports comprising customized cover sheets.

It is, however, considered inherent that Dividock et al. adds customized cover sheets (see Fig. 3 and col. 8, lines 1-14), because a central computer providing a printer to generate customized cover sheets is known to be necessary in order to provide chronological, management, and exception reports, for audit compliance with assigned floor inspection tours and for statistical analysis of hazards (see Dividock et al. Abstract, lines 20-23).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dorfman discloses a system for monitoring the tour that a guard must undertake in each building of a large number of building sites involves an arrangement in which a system control center has a two-way communication by telephone network with each of a large number of building sites.

Holland disclose an inspection prompting and reading recording system including a portable computer having a display, a keyboard, a bar scanner, a memory, a processor, and a sound generator.

Berube discloses a personal security system including features for monitoring guard tours and other surveillance by security personnel.

Vaughan disclose a computer access system including a password generator and an lock

computer connected to receive passwords generated by the password generator and grant access to a host computer when a password from the password generator matches a password separately generated by the lock computer.

Vanacore discloses a security system arrangement utilizing a standard PBX for monitoring a plurality of concurrently administrable guard tours.

Elgersma discloses a guard monitoring system having remote guard stations to be activated in a predetermined order.

Van Dusen et al. disclose an electronic tour key being carried by the guard to each of the tour stations on the tour route for plug-in electrical connection.

*Contact Information*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the

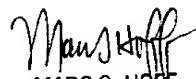
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examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

04/25/02

  
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